



European Commission / ENPI

SUPPORT TO JUSTICE SECTOR REFORMS IN UKRAINE

EuropeAid/134175/L/ACT/UA No 2013/328-160

LEGISLATIVE DEVELOPMENT PROCESS

by

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May – November

2016

This Project is implemented by
Consortium led by JCI



This Project is funded by
European Union



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Introduction

European Parliament Needs Assessment Mission to the Verkhovna Rada of Ukraine revealed some fundamental weaknesses in legislative process in Verkhovna Rada, several of which are to be mentioned, such as draft law (statute) quality, an excessive number of draft laws (statutes) provided by members of Verkhovna Rada (and draft consideration related time and human resource costs), low proportion between legislative initiatives and laws (statutes), weak coordination between the Verkhovna Rada and Government, etc. These aspects indicate that the legislative process is not of sufficient quality at both the Ministries and Government levels.

The main focus of this report is assigned to the legislative process in ministries and other state institutions, as well as, at the Governmental level; also, to a separate evaluation of the procedure of Ukrainian law harmonization with the requirements of the European Union (further - EU) law. The legislative process in the Verkhovna Rada is mentioned only episodically (when it is directly related to the problems), because the legislative process in the Verkhovna Rada is the subject of a separate European Parliament project. Otherwise, it is important to highlight that the rules of the legislative process at the ministries and Governmental level (Reglament of Government) has to be harmonized (coordinated) with the rules of the legislative process in the Verkhovna Rada.

Report was prepared mostly relying on three major sources of information: 1) Reports and Recommendations: Report and Roadmap on internal reform and capacity-building for the Verkhovna Rada of Ukraine (2016), Report on Strategic Screening of the Role and Key Competences of the Ministry of Justice of Ukraine (2015), European integration coordination arrangements in AA/DCFTA implementing countries: Ukraine (2015); Recommendations for the improvement of the legal approximation process in Ukraine and facilitation of functioning of the State Department for Legal Approximation under the Ministry of Justice of Ukraine (2010), etc.; 2) legal acts and documents which have been available in English or Russian languages; and 3) interviews undertaken and discussions conducted with the representatives of state institutions (Ministry of Justice (further – MOJ), Government Office, Government Office for European Integration (further – GOEI), President Office, Secretariat of Verkhovna Rada), legal scientific institutions and NGO.

Report should be treated as a basis for further discussion involving a wider range of domestic and international stakeholders.

I. General Regulation of Legislative Process

The legislative process in Ukraine is currently regulated in separate stages. Legal drafting and draft consideration at governmental and ministerial level is regulated by the Government; the draft law (statute) consideration and adoption of the Verkhovna Rada is regulated by the Verkhovna Rada. The legislative process is regulated by the acts of different legal force – orders of the Minister of Justice, Government resolutions, legal acts of the Verkhovna Rada, the laws and the Constitution. This regulatory approach is not coherent, comprehensive and systematic for certain aspects of legislative process remain unregulated, for example, the participation of state institutions (the prosecutor's office, the judicial authorities, the National Bank of Ukraine, etc.), public and non-governmental organisations (further - NGOs) in the process; development of the concept of a legal act; the order of adopted legal acts' registration, publication and entry into force; the register of legal acts; systemic monitoring of the implementation of legal acts; etc.). In addition, certain legislative process stages are to be regulated according to the new Ukrainian priorities and, in particular, to the direction of the European Union (further - EU) integration, which, in this context, implies the need, in the process of preparing draft laws, to carry out legal expertise on draft laws regarding their conformity with the requirements of EU legal acts and the Court of Justice of European Union (further - CJEU) jurisprudence (this expertise includes translation of EU legal acts and analysis of the case-law of CJEU).

Previous attempts have been made to regulate the whole legislative process in Ukraine by dedicated law (statute), but the drafts were not adopted. It should be noted that the aforementioned drafts had some appropriate provisions but overall they contained a number of purely theoretical provisions, which usually are not regulated by the legal acts or some of them are left to the competence of courts.

There is no doubt that the framework (umbrella) law (statute) on legislative process that would regulate the stages, essential principles and common issues of the entire law-making enterprise and individual competencies of state institutions (MOJ and other ministries, the Government, the President and the Verkhovna Rada), would allow to make the legislative process more coherent, systemic and clear. This law (statute) should regulate and determine:

- essential stages of the legislative process – namely the legislative initiative, drafting and harmonization, adoption, registration, publication, entry into force, and monitoring (review);
- principles of the legislative process (openness and transparency, expediency, proportionality, systemic approach, efficiency, etc.)

- rules of public and NGO participation in the legislative process;
- transfer of the legislative process into electronic space;
- specific provisions for registration, publication and entry into force;
- specific provisions on the register of legal acts, the responsible institution and the rules of the register's management;
- detailed rules of the monitoring (review) of the implementation of legal acts, etc.

Meanwhile, the procedures of the legislative process in separate institutions, that is to say, the Government, ministries and their subordinate institutions, the Verkhovna Rada and the Office of the President, would be regulated by the legal acts of these institutions.

From a technical point of view, provisions should be made for most of the legislative process (presentation of a law (statute) for consideration by the public, submission to the ministries and other state institutions, submission of comments and suggestions, harmonisation of draft laws, their presentation to the Government, etc.) to be transferred into the electronic space.

II. Legislative Drafting Stage

A. Legislative Initiative

The legislative initiatives, which are intended to be developed by the Government, must, first and foremost, be foreseen and declared in policy and strategic planning documents and published, indicating the basic principles and reasons of either proposed new or modified regulation, involving possibly a preliminary title of the law (statute), its reasons and purposes, tentative dates for the draft's preparation; the initiator of the law (statute) may also be indicated.

The placing of any legislative initiatives within the umbrella of policy and strategic planning documents should be endured not only by the political authorities (the Government, the Verkhovna Rada, the President), but also by other authorities, and, in particular, those which have no right of legislative initiative (the Prosecutor's office, the judicial authorities, etc.) as well as the civil society and NGOs. Ideally, legislative initiatives proposed by these institutions should be included in the Government's policy and strategic planning documents.

The Government's programme and annual work plans, the agenda of the Verkhovna Rada's session, separate programmes, policies, strategies and their implementation plans, ministerial

strategic development plans, the Association Agreement, international obligations, plans for legal approximation with EU law requirements, etc. must be compatible with each other and form a logical and consolidated (integrated) plan of the legislative process, which could indicate connections between all programmes, strategies or plans. Gaps, overlaps and inconsistencies between any of the above policy frameworks should be avoided.

In order to create preconditions for proper monitoring (review) and evaluation of implementing these policies, they should relate to a period of from one year to four–five years. If needed, these policies can be broken down into plans with shorter timespans and narrower scope.

B. Leading Institution. Working Group

A concept and draft law (statute) should as a rule be prepared by a Ministry responsible for the area of regulation (sector). Ideally, each Ministry should be assigned an area of regulation that could be defined through the sector-related laws (statutes). For example, MOJ has to ensure that the principal laws (statutes) and codes are stable and systemic. Therefore this Ministry should be tasked with the supervision of specific laws (statutes) and codes, e. g., the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedure, Criminal Executive Code etc. The supervision of codes would cover the monitoring (review), analysis and assessment of their application practices, drafting of amendments and supplements, obligatory evaluation of draft amendments and supplements, and submission of opinions. For the purposes of supervision, the Minister could form a special permanent Consultative Council consisting of the best experts in specific areas – judges, prosecutors, advocates, scholars, MOJ experts. The Ministry should provide administrative support for the activities of such Councils.

A concept and draft law (statute) (which are not prepared by the executive authorities) should be submitted to the Government by an appropriate minister – for example, with regard to the court and prosecution, by the Minister of Justice. Similarly, the legislative regulation issues of free legal professions should be addressed – for example, lawyers, notaries, and bailiffs - through MOJ.

If the preparation of draft law (statute) needs special or scientific knowledge and skills, thorough analysis of the current socio-economic situation and (or) comparative practices, a dedicated working group may be established. Working group members may be representatives of the state and municipal institutions and agencies, non-governmental organisations, academic and research, professionals, business and other interest groups, etc.

C. Concept. White Book

Obligation to prepare a concept of a law (statute) and define the contents of the concept should be enshrined by law (statute). It is necessary to implement the requirement in practice that a concept of a legal act should always be developed when it is sought to regulate a new area or where regulation is being changed essentially. The concept should embrace the following elements: (a) existing factual and legal situation (analysis of relevant phenomena and their prevalence, national law requirements and case-law, EU law requirements and case-law of CJEU, requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms (further – ECHR) and the ECtHR case-law); (b) factual and legal issues to be solved; (c) rationale and objective of the intended regulation; (d) principal provisions of proposed regulation; (e) potential positive and negative impact on the State's budget, financial system, economy, societal norms and customs, environment, public administration, legal system, criminogenic situation, etc. The degree and extent of the itemisation of the concept should be proportionate to the potential consequences of the proposed regulation.

Prior to the Government making substantial proposals for the legislation, the concept (the so-called discussion “white paper” explaining the policy objectives of the proposed legislation and the broad measures to be introduced) should be submitted to the relevant committee for discussion and be subject to an Opinion of the Verkhovna Rada (see Recommendation No 2 of Report and Roadmap on internal reform and capacity-building for the Verkhovna Rada of Ukraine). Depending on the contents of the legal act, the opinion may also be requested from the President and other state institutions (courts, prosecution etc.).

D. Elaboration, Consultation and Harmonisation

The currently established procedures for consultation of draft laws (statutes), with the concerned ministries and other institutions are essentially appropriate and acceptable. It is questionable, however, whether or not the provided mechanisms at the Government level for solving potential inter-ministerial disagreements on the draft laws (statutes) are sufficient and efficient. It could be advisable to establish a special mechanism, which could consist of ministerial state secretary-level meetings.

The consultation and harmonisation mechanism needs to be supplemented with the provisions, which would require the involvement of non-executive authorities (courts, prosecution, National Bank of Ukraine etc.).

In addition, it is necessary to specify a period during which the public, interest groups and NGOs could provide their comments and suggestions on draft law (statute), which has been published online. The suggestions and comments should be summarised by the draft initiators, while all the material collected in the process should be presented to the Government together with the draft.

The MOJ legal expertise should be mandatory for all drafts of legal acts produced in Parliament. Moreover, a rule that would provide MOJ a “veto” right over a draft law (statute) can be established, if the draft contradicts the requirements of the Constitution, international agreements and other legislation.

MoJ legal expertise is mandatory for the order of the Ministers and the lower drafts of legal acts. In this regard, a rule, that would provide the MoJ “veto” right (that is to say, such act cannot be adopted and signed), might be added, when, in conclusion, a draft of legal act contradicts the legal requirements, for example, it contradicts the Constitution, laws, Government decrees and international requirements, etc. It should be noted that this “veto” right cannot be applied in case when MOJ does not accept the appropriateness and targeting of the chosen legal regulation.

MOJ is also to approve methodology for preparation of explanatory notes to accompany each draft law (statute).

The draft should then be submitted to concerned ministries and other institutions, and later – to the Government and the Verkhovna Rada together with an explanatory note, which must include: 1) reasons for preparation of the draft law (statute), goals and objectives of the suggested policy; 2) title of the initiator of the draft law (statute) (authorities, persons or authorised representatives of the public) and coordinators in the preparation; 3) brief description of current state of affairs in the area of regulation; 4) what new regulatory provisions are proposed and what positive results are expected; 5) results of assessment of expected regulatory impact (if such an assessment is necessary in the process of preparing the draft law (statute), and the results are not specified in a separate document), possible negative consequences of the adopted law (statute), and what measures should be taken to mitigate risks; 6) what impact the adopted law (statute) would have on the criminogenic situation and corruption (anti-corruption assessment report); 7) how the implementation of the law (statute) would affect business conditions and their improvement; 8) any other legal acts which need to be adopted, amended or abolished; 9) whether the draft law (statute) is in line with the ECtHR and EU-law requirements (Government Representative in ECtHR

conclusion and GOEI opinion); 10) if the implementation requires specific implementing legal acts – by whom and when they should be adopted; 11) how much of the state budget and other state funds is needed to implement the law (statute), with the analysis of possibilities to save costs (forecasts and indicators for the current and coming 3 fiscal years are to be provided); 12) expert, public and NGO evaluations and conclusions collected during the preparation of the draft law (statute), etc.

E. Anti-Corruption Assessment

The anti-corruption assessment is mandatory for each draft law (statute). Ideally, it should be carried out by a specialized state institution in charge of the anti-corruption policy. The conclusion of anti-corruption assessment of the draft law (statute) should be submitted to the Government and the Verkhovna Rada. If the report indicates that the draft law (statute) creates risks of corruption, at both the Government or Verkhovna Rada levels a compulsory corrective mechanism should be established.

A specialized state institution must approve the methodology for the anti-corruption assessment.

F. Assessment of Compliance with ECHR Requirements

Without exception, all the draft laws (statutes) and other legislation must be assessed on their compliance with the requirements of the ECHR and the ECtHR jurisprudence. Ideally, the final version of the draft law (statute) or other legislation must be provided for the assessment of compliance with the ECHR. The Verkhovna Rada's legislative procedure should require (if necessary) such an evaluation at the request of all Rada Committees, Government or the President.

The conclusion on compliance with the requirements of the ECHR and the ECtHR jurisprudence must be prepared by the Government's Agent before the ECtHR (MOJ). This conclusion has to be provided to both the Government and the Verkhovna Rada.

Both, at the Government and the Verkhovna Rada levels, it must be established that the draft cannot be considered in the absence of the opinion on their compliance with the ECHR or the ECtHR jurisprudence. Where the report states that the draft contains provisions contrary to the

ECHR or the ECtHR jurisprudence, at both the Verkhovna Rada or Government levels a compulsory corrective mechanism should be established.

The Government Agent before the ECtHR (MOJ) should have the right to get all the material considered in Government meetings and to take part in them. The Verkhovna Rada Committees should have the right to invite the Government Agent to their meetings.

Analysis and summaries of relevant case-law of the ECtHR should be prepared by the Government Agent before the ECtHR (MoJ) (universities and higher educational establishments should be involved in the performance of this function). Such summaries should be made public.

G. Assessment of Compliance with EU Law

The functions and responsibilities on approximation are distributed among three main institutions: 1) The Government Office for European Integration (GOEI) is responsible for: a) coordination of work and preparation of reports on the implementation of the Association Agreement to be submitted to the Verkhovna Rada and the Government, sent to EU headquarters and published for public consideration; b) conformity, ensured by means of expert opinions, of legislation submitted by the ministries to the Government with the EU *Acquis* and Association Agreement obligations; 2) MoJ is responsible for legal expertise of all legislative drafts initiated by the Ministries. This includes a conformity check with the Constitution and other laws (statutes), as well as with international obligations and the EU *Acquis*; 3) The Committee on European Integration is a standing Committee of the Verkhovna Rada which is responsible for checking the conformity of, and providing a legal opinion on all draft laws (statutes) in the Verkhovna Rada.

At the Government level, an organisational mechanism should be established, as well as, a set of procedural actions comprising the approximation process (such as the selection of EU acts, their translation, impact analysis, legal drafting and implementation) should be clearly described at the secondary legislation level (see p. 23 of the Report and Roadmap on internal reform and capacity-building for the Verkhovna Rada of Ukraine). The organizational mechanism at the level of the executive is to be led by the Prime Minister (directly or via the Deputy Prime Minister on European Integration), while each ministry and state institution should have dedicated capacities and staff for this purpose within offices of a vice-minister or deputy director of the relevant service. The top level of this co-ordination machine – GOEI – has started delivering first results. It may be considered whether it would be worthwhile to establish a special unit and/or specifically dedicated programme for the translation of EU law. On the other hand, the relevant capacities at the level of line

ministries and other institutions remains rather weak. Working groups may and perhaps should be formed in specific EU policy areas – for example, in the area of justice, freedom and security – consisting of representatives of MOJ, MOI, Office of the Prosecutor General, judiciary etc. The current (recent) practice of the working groups consisting of the Ukrainian representatives to various Association sub-committees could be used and deepened.

Methodology for making a choice of an appropriate regulatory instrument to transpose EU law should be elaborated and set out. Ukraine should try to give priority to non-statutory mechanisms instead of transposition by law (statute) by default. In general, the Government should be committed to regulating only where it is plainly necessary to do so, and only having demonstrated that the regulatory option is better than any alternative options. When an EU Directive specifies the objectives to be achieved (the question is ‘what’ needs to be achieved), while leaving the ‘form and methods’ (the question ‘how’) to the discretion of a Member State or other country intended to transpose the EU rule, there may be potential to seek to implement the rule through the use of alternatives to regulation. Following on the experience of some EU Member States, the Ukrainian Government should pay particular attention to producing guidance notes (practice guides) – readily-made explanatory documents on a particular area of EU law, targeted at various executive departments and other relevant stakeholders, or the general public. Practice guides help ensure that the purposes, principles and detailed rules arising from a particular law are clearer, while foreseeability of its application is strengthened through hypothetical cases and practical examples.

The vast majority of EU provisions can be transposed into Ukrainian law by way of secondary legislation – in a form of the Government or ministerial decree or regulation, for instance. As a matter of good practice – unless clear gaps have been established between EU law and the current Ukrainian laws (statutes) – new laws (statutes) should be used for transposition of EU legislation only in special (strictly necessary) cases. Laws (statutes) should as a rule be adopted in order to define a general framework, establishing the purposes and principles for regulating various relationships (‘what’), rather than prescribing very detailed modalities for the achievement of those statutory goals (‘how’) - the latter could be done through secondary legislation and practice of the courts.

The principles and methods of EU-law transposition and implementation should also be set out clearly. While ‘copy-out’ method could usually suggested as a preferred method of transposition, simply copying out the text of a directive may be inappropriate when implementing regulations need to fit in with the existing related domestic law (otherwise there will be ‘double-banking’; also see below), and when the wording of the directive is so ambiguous that greater clarity is needed at the domestic level to minimise legal uncertainty. In this respect, the Ukrainian Government may sometimes wish to maintain regulatory standards, which exceed the minimum requirements of

European legislation. The EU may not always set the most appropriate level of regulation. However, it must be borne in mind that the decision to introduce or maintain higher standards or stricter regulatory regimes than those required by EU directives could bring benefits as well as costs.

The avoidance of policy of 'gold-plating' of European legislation requires that the new domestic provisions should not exceed the minimum requirements set out in the EU law, unless there are exceptional circumstances justified by a robust cost-benefit analysis and extensive public consultation. What is more, the responsible subjects should avoid 'double-banking', where the impugned EU legislation covers similar ground to that covered in the already existing domestic legislation and rules. The transposition and implementation should, as far as possible, consolidate all linked instruments, aims, objectives, obligations and enforcement mechanisms to make them simple and consistent with each other. Where this does not occur, there is 'double-banking'.

All in all, specification of purposes and principles of transposition and implementation should attest that the Ukrainian authorities have sought to ensure a delicate balance between the need for effective implementation of EU legislation and the preservation of national interest and the interest of deregulation, while also enabling a more purposive method of interpretation of EU law (and the domestic law in general) by the national courts.

A set of procedural actions for EU law transposition would have to cover: a) planning (including translation of EU legal acts, b) compliance assessment (gap analysis), c) impact assessment, and d) monitoring / review.

1) Planning. The plan of EU law implementation (including the translation of EU legal acts performed by GOEI) should be integrated into the policy documents of the ministries, Government, and Verkhovna Rada. Such a consolidated (integrated) plan indicates connections between all policy documents, including programmes, strategies or plans. Such a practice would also be very useful to show to responsible institutions that a draft of a legal act is necessary not only for the European integration purposes but also for improving the domestic context. Such a plan should be elaborated for a period from one year to three-four years.

2) Compliance assessment (Gap analysis). The initial assessment of compliance of draft law (statute) with the EU law requirements is to be performed by the ministry or other institution preparing the draft. Meanwhile, GOEI has to become a apolitical, expert institution, whose objectivity and impartiality can be trusted. Without exception, all the draft laws (statutes) and other legal acts must be assessed on their compliance with EU law requirements (including the CJEU jurisprudence). It should be noted that the assessment must be performed in terms of all EU law, and not only in terms of the Association Agreement obligations. The opinion of such assessment

must be presented to the Government and the Verkhovna Rada. The Verkhovna Rada's procedures must provide for a possibility (if necessary) to carry out the draft re-evaluation at the request of all of the Verkhovna Rada or their Committees, Government or the President.

Both at the Government and the Verkhovna Rada levels it must be established that the draft law (statute) cannot be considered if the opinion on its compliance with the EU law requirements is not present. Where the report establishes gaps and states that the draft contains provisions contrary to the EU law requirements, at the Verkhovna Rada or Government level, a compulsory correction mechanism should be established.

The Verkhovna Rada's Committees should have the right to invite the representatives of GOEI or the Office of the Vice Prime-Minister on EU integration to their meetings.

GOEI could also carry out impact assessments of various kinds, as well as the analysis of excessive regulation (avoidance of 'double-banking') and good practices in other countries in the impugned area of regulation. Additionally, GOEI may perform the functions related to the analysis and summaries of the case-law of CJEU (universities and higher educational establishments should be involved in the performance of this exercise). Such summaries should be made public.

3) Impact assessment. The assessment should cover at least the part, which is related to the non-transposed EU legal norms. Currently, Ukraine is in the stage, when individual institutions may experience a "temptation" not to transpose some of the EU legal requirements, or to transpose some of the EU legal requirements not according to the rules, or to postpone the transposition. In such cases, there should be an instrument (impact assessment statement, explanatory notes, etc.), setting out the reasons and justification for lack of transposition.

4) Monitoring (Review). GOEI has to carry out analysis and provide an annual report of the EU law implementing to the Government, whereas the Government – to the Verkhovna Rada. The Committee on European Integration of the Verhovna Rada should consider these reports and evaluate the EU law implementing plans. Relevant ministries could also be requested by GOEI to take part in the review process of each major piece of transposed EU law. The review process should help check on whether the original policy objectives (including expected benefits and costs) of the EU law transposition had been achieved, and whether any changes or improvements could have been made. The principal focus of such an evaluation would be on identifying areas where transposition and implementation could be improved to reduce burdens or increase effectiveness, learning from experience both in Ukraine and EU Member States, to ensure that Ukrainian interests are not put at a competitive disadvantage. The review is also helpful in building up an evidence base to influence future policy-making in the country, in the EU. The review process of EU law transposition and implementation should cater to similar goals and objectives as the review

process of all other national legislation, which has to start at the initiating body (Ministry) level and continue throughout the lifetime of the particular law (statute).

III. Registration, Publication and Entry Into Force

All adopted legal acts of Ukraine – laws (statutes), legal acts of the President, legal acts of the Government, ministers and regional territorial institutions, etc. should be registered in the Register of Legal Acts (RLA). The registration of legal acts is to be performed by MOJ under the order established in the law. This law has to provide rules that would allow the amendments or abolishment of the legal act of ministers and regional territorial institutions, etc. that was registered in the RLA and that (in the opinion of MOJ) is not compatible with, for example, the requirements of the law (statute), etc. Hence, it is possible to establish that, under MOJ proposal, this legal act is abolished by Government, etc.

In addition, the function related to a systematic and regular review of the laws (statutes) passed by the Verkhovna Rada – by submitting an opinion on their compliance to the President regarding a potential exercise of the veto right – could be undertaken as independent only in exceptional cases of highly important or problematic laws (statutes).

All adopted and registered legal acts are to be officially published in the “Official Gazette of Ukraine”. This publication should integrate the currently published separate publications of the Government, President and Verkhovna Rada. “Official Gazette of Ukraine” and electronic version of the RLA have to be the only spaces for official publication of legal acts, which would provide the source for identifying the authenticity of the text at the time of the entry into force.

In addition, all the legal acts registered in RLA should be, as soon as possible, transferred into the electronic space, gradually phasing out of the publication of the hard-copy of the “Official Gazette of Ukraine”.

The entry into force of the registered legal act is to be associated with its publication in the “Official Gazette of Ukraine”. Moreover, it is questionable whether the law should not provide special rules for the entry into force of specific legal acts. For example, tax laws (statutes) could come into force only with the budget law, or 6 months after their adoption, legal acts regulating business conditions and procedures could come into force, at the earliest, 3 months after their adoption, etc.

Specific rules regulating the order of registration, publication and entry into force of legal acts must be provided in the law (statute).

IV. Monitoring (Review)

Monitoring (review) of the scope and extent of regulation defined in legal acts is carried out when it is necessary, after having evaluated the relevance and problematics of the regulation. The Verkhovna Rada, President and Government may require to perform a review of the regulation. In addition, the legal act may provide an obligation to carry out the monitoring in the text of the law (statute) itself. The review is carried out by the Ministries in accordance with the competence defined in the legal acts; additionally, working groups of monitoring legal acts may be formed. Each ministry and state institution have to set annual review plans.

The review focused on: 1) effectiveness of measures of the regulation in order to achieve its goals and objectives; 2) positive effects of the regulation and negative consequences for the regulated area (the economy, public finances and social environment, public administration, legal system, criminogenic situation, corruption, environment, administrative burdens, regional development etc.), individuals and interest groups; 3) direct and indirect benefits of the regulation, the beneficiaries; 4) compliance of consequences of the regulation with the expected purposes and consequences; 5) necessity of changing the scope and extent of regulation, or maintaining the regime.

The review may be carried out in a single legal act, part of legal act, or several legal acts.

MOJ is to approve any recommendations relating to the review of any legal act.